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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,697	10/29/2001	Mary Lynn Cashin	RPS920010135US1	1333
45211	7590	08/26/2004	EXAMINER	
KELLY K. KORDZIK WINSTEAD SECHREST & MINICK PC PO BOX 50784 DALLAS, TX 75201			VO, TED T	
			ART UNIT	PAPER NUMBER
			2122	

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/020,697

Applicant(s)

CASHIN ET AL.

Examiner

Ted T. Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/29/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the communications filed on 10/29//2001.
Claims 1-15 are pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Teoman et al. (US No. 6,370,614 B1).

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 1: Teoman discloses, *"A method for creating a preload, wherein an object of said preload is an aggregation of one or more software element objects, comprising the steps of:*

defining a particular preload object with one or more attributes (See FIG. 6, and see FIG. 10, area shown with "Preloading");

comparing attributes of said one or more software element objects with said one or more attributes of said particular preload object (See column 14, lines 61-66), wherein each of said one or more software element objects constitutes one or more of a device driver object, an operating system object and an application software object (See FIG. 6);

identifying one or more of said one or more software element objects whose attributes comprise said one or more attributes of said particular preload object (See Figure 6, provided with check boxes in Preloading area); and

installing software associated with said identified one or more software elements objects onto a particular preload associated with said particular preload object." (See column 15, lines 34-61, "to begin commanded preloads of the directory contents"; see column 16, lines 4-7, "to be preloaded into the user cache"; and see FIG. 12, "Archive user cache data to disk:").

As per Claim 2: Teoman discloses, *"The method as recited in claim 1 further comprising the step of: modifying an attribute of said identified one or more software element objects to match said one or more attributes of said particular preload object" (See FIG. 10, "Change...").*

As per Claim 3: Teoman discloses, *"The method as recited in claim 1, wherein each of said one or more software element objects is associated with attribute data, wherein said attribute data comprises one or more of an operating system information and an installation information" (See FIG. 6, particularly, see: started at line 56, column 6 to line 27, column 10).*

As per Claim 4: Teoman discloses, *"The method as recited in claim 1, wherein each of said one or more software element objects is associated with attribute data, wherein said attribute data comprises a part number (See FIG 6, for example: Attribute in 111 is pointed to Device Driver 47, where part number is inherent in Device Driver 47).*

As per Claim 5: Teoman discloses, "*The method as recited in claim 4 further comprising the steps of: transmitting one or more part numbers associated with said identified one or more software element objects to a manufacturing system; and retrieving software associated with said identified one or more software element objects based on said one or more part numbers*" (See FIG 5, a request I/O connected to Mass Storage "Local Or Remote", See column 1, lines 60-63, "outside the computer system such as network servers").

As per Claims 6-10: Claims are claiming a computer product that has claimed functionality corresponding to the method recited in Claims 1-6, respectively. Claims 6-10 are rejected in the same reasons as set forth in connecting to the rejections of Claims 1-5.

As per Claims 11-15: Claims are claiming a system that has claimed functionality corresponding to the method recited in Claims 1-6, respectively. Claims 11-15 are rejected in the same reasons as set forth in connecting to the rejections of Claims 1-5.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
Hammond, US 5,918,250, discloses an apparatus for installing translations in a look-aside buffer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (703) 308-9049. The examiner can normally be reached on 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from

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either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TED T. VO

TTV
Patent Examiner
Art Unit 2122
August 13, 2004